

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v - :

RENE J. GARCIA, JR. :

Defendant. :
-----X

NOTICE OF MOTION

07 Cr. 1173 (CM)

SIRS:

PLEASE TAKE NOTICE that upon the annexed Affirmation of **RENE J. GARCIA, JR.**, and the accompanying Memorandum of Law, the undersigned will move before the Honorable Colleen McMahon, United States District Judge, Southern District of New York, on April 11, 2008, or as soon thereafter as counsel can be heard, for an Order 1) suppressing all evidence obtained by the police as a result of the warrantless seizure of Mr. Garcia on October 12, 2007 28, 2002; and 2) granting an evidentiary hearing on the motion, and granting such other and further relief as the Court may deem just and proper.

Dated: White Plains, New York
February 29, 2008

Yours, etc.

By:

PAUL E. DAVISON, ESQ.
Federal Defenders of New York, Inc.
Attorney for the Defendant
RENE J. GARCIA, JR.
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TO: **MICHAEL GARCIA, ESQ.**
United States Attorney
Southern District of New York
300 Quarropas Street
White Plains, New York 10601
Attn: **ANNA M. SKOTKO, ESQ.**
Assistant United States Attorney

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Defendant. :

AFFIRMATION

07 Cr. 1173 (CM)

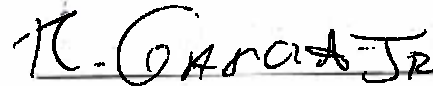
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RENE J. GARCIA, JR., affirms as follows, under penalty of perjury pursuant to 28 U.S.C. §1746:

1. I am the defendant in the above-captioned case. I make this affirmation in support of a motion to suppress evidence obtained by the police as a result of a warrantless seizure on October 12, 2007.

2. On October 12, 2007, the police arrested me for no apparent reason. I had just arrived in Mount Vernon, New York, in a taxi, and I was standing on a public street when the police approached and arrested me. I was not engaged in any illegal or suspicious activity at the time of my arrest.

I declare under penalty of perjury that the foregoing is truthful and correct.

Dated: Valhalla, New York
February 26, 2008



RENE J. GARCIA, JR

